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June 15, 2018

The Honorable Richard M. Gergel
United States District Judge
Post Office Box 835
Charleston, South Carolina 29402

Judith Meltzer, Executive Vice President
Center for the Study of Social Policy
Co-Monitor

Paul Vincent, Director
Child Welfare Policy and Practice Group
Co-Monitor

RE: Michelle H., et al. v. Henry McMaster, in his official capacity as Governor of the State of South Carolina, and Susan Alford, in her official capacity as State Director of the South Carolina Department of Social Services
Civil Action No.: 2:15-cv-00134-RMG
SGR File No.: 6734/1500

Dear Judge Gergel, Judy, and Paul:

Pursuant to the Court's June 1, 2018 order, DSS is required to advise the Court and Co-Monitors of any objections DSS has to the Co-Monitors' January 1, 2018 - December 31, 2018 budget by June 15, 2018. In the June 1, 2018 order, DSS was also directed to attempt to reach a consensus with the Co-Monitors regarding hiring additional consultants proposed by the Co-Monitors, and to advise the Court by June 30, 2018 if a consensus cannot be reached.

DSS has considered the Co-Monitors' proposed budget alongside the Co-Monitors' roles and responsibilities related to the Final Settlement Agreement and DSS's ongoing work to reform South Carolina's child welfare system. DSS has been actively engaged in preliminary discussions with the proposed consultants, reviewing the scopes of work alongside existing work, and requesting additional information from the Co-Monitors. DSS has no objection to the portions of the Co-Monitors' budget as they relate to two of the three proposed areas of additional consultant work which are Workload and Placement Needs. However, DSS objects to the areas of the Co-Monitors' budget which relate to hiring Congregate Care consultants as described herein.



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AREA OF CONSULTANT WORK	BUDGET	NUMBER OF CONSULTANTS	AGREE	OBJECT
Health Care Consultants (agreed upon in November, 2017) - Phases 1 & 2	\$56,000	2	X	
Health Care Implementation Team/Consultants (January 1, 2018 - December 31, 2018) - Phase 3	\$98,000	2	x	
Data Consultants	\$ 2,000	1	x	
Workload Consultant	\$35,780	1	x	
Placement Needs Consultants	\$55,300	2	x	
Congregate Care Consultants	\$62,840	2		x

Workload Consultant

DSS has no objections to the Co-Monitors' recommendation to hire the proposed workload consultant to assist with the workload implementation plan. Although DSS believes excellent technical assistance could be obtained from National Child Welfare Workforce Institute (NCWWI), which would not require additional funding to be expended, DSS also believes the technical assistance scope of work outlined by the Co-Monitors is appropriate.

Placement Needs Consultants

DSS and the Co-Monitors have discussed the scope of work for Placement Needs Consultants and DSS is in agreement with hiring these consultants to assist with placement needs particularly inasmuch as it relates to the approval of a placement implementation plan.

Congregate Care Consultants

DSS objects to the portion of the Co-Monitors' budget that relates to hiring Congregate Care Consultants, because the anticipated scope of work for these consultants is duplicative of the work for which DSS has already contracted Casey Family Programs, with the work of the Health Care consultants, and with the work envisioned for the Placement Needs consultants.

The scope of work provided by the Co-Monitors is duplicative of work the Department has already negotiated with Casey Family Programs and the Healthcare Consultants and soon to be negotiated with the Placement Needs Consultants as summarized below:



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Casey Family Programs (CFP). The newly-enacted Family First Prevention Services Act (FFPSA) will affect congregate care in our state, and DSS has already partnered with Casey Family Programs (CFP) for the creation of a model that will align South Carolina's congregate care with the new law's requirements. CFP's existing scope of work includes: Obtaining and reviewing data regarding placement trends, length of stay, and permanency outcomes; comparison of state data with national performance indicators; CFP's interviews with congregate care providers, provider associations, and local staff regarding their diversification of services; examination of funding issues; and work toward enhancing South Carolina's array of services. These same tasks are also cited in the scope of work the Co-Monitors submitted for the proposed Congregate Care consultants. The proposed scope of work for the Congregate Care Consultants is duplicative of the work Casey Family Programs will complete. DSS believes CFP's work is sufficient to accomplish the objectives envisioned by the Co-Monitors, and the Co-Monitors' budget should not include \$62,840 for this work which is being completed by CFP at no cost to DSS.

Healthcare Consultants. The healthcare consultants have indicated to us that the analysis of the appropriateness of DSS planning and decision-making around placement of children in congregate care facilities is in line with the ongoing work they are conducting regarding assessments for healthcare. It appears that the hiring of additional consultants to perform the same function, from a different perspective, is near-sighted and does not take into account the breadth of work that will be performed by the healthcare consultants. The Healthcare Consultants' work has been positive, and \$98,000 is included in the Co-Monitors' budget for the Healthcare Implementation Team.

Placement Needs Consultants. DSS acknowledges that additional external consultants could play a role in monitoring of services delivered in selected congregate care facilities, but this work should be coordinated and sequenced with the Placement Needs scope of work to reduce the work and burden on DSS staff and to avoid having four separate consultants working on two different tracks.

Specifically, the Congregate Care Consultants' scope of work includes the following duplicative or overlapping tasks:

- Review DSS policy as it relates to congregate care placements, licensing standards and contract performance expectations. This is being conducted by the Health Care consultants and



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Casey Family Programs, and it is anticipated to be part of the Placement Needs Consultants' work.

- Examine DSS data on congregate care placement trends, length of stay, permanency outcomes, child maltreatment, and other related items. This work is being conducted by Casey Family Programs.
- Interview DSS central office staff, selected local staff providers associations and other individuals and entities as part of the review. This work is being conducted by Casey Family Programs and DSS staff. It is also anticipated to be part of the Placement Needs Consultants' work.
- Assess the use of Title XIX funds in congregate care settings. This could be conducted by the Health Care consultants and Casey Family Programs.
- Develop a facility assessment protocol and conduct field visits to approximately 10 Level 1, 2 and 3 group homes and a sample of residential treatment facilities to assess - facility model of care, staffing, service area, admission criteria, licensing/ accreditation, maltreatment and incident reporting, daily programming, selected youth interviews, family involvement, treatment capacity, discharge / expulsion practices, medication mgmt., transition / discharge planning, behavior mgmt. practices / seclusion, restraint use and protection, education programming / support, DSS case manager involvement / visits. This work is being conducted in part by DSS staff.
- Compile a report that addresses DSS role and practice related to congregate care placements, conditions experienced by class members in congregate care, impact of policies utilized by congregate care providers and capacity and willingness of providers to diversify their service array to address needs. Some of this work is being conducted by the Health Care consultants, and this work is being conducted in part by DSS staff.

In summary, the Co-Monitors' budget includes the retention of multiple consultants, and DSS has conveyed to the Co-Monitors the need to have a project management plan that sequences the proposed consulting work or the consultants' deliverables in an integrated manner that provides consideration for the consultants' impact on DSS's workforce and workflow. While moving forward with hiring three additional consultants proposed by the Co-Monitors for workload and placement needs, which the Court prioritized for the next monitoring period, DSS



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objects to the portions of the Co-Monitors' budget which relates to hiring two Congregate Care consultants proposed by the Co-Monitors.

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